



W.P.(MD)No.20362 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.20362 of 2022

and

W.M.P.(MD)Nos.14757 and 14759 of 2022

Senthil Rajesh

... Petitioner

Vs.

1.M/s.Bank of Baroda (Previously Dena Bank),
represented by its Authorised Officer,
Aminjikai, Chennai-29.

2.S.Vankdappriya

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the first respondent issued E-auction sale notice, dated 31.03.2022 and in connection with the sale conducted on 19.04.2022 under the SARFAESI Act, 2002 and to set aside the same as null and void and consequently, to declare that the sale certificate registered on 31.05.2022 as Document No.5437 of 2022 in favour of the second respondent on the file of the SRO, Virudhunagar District being measures taken under SARFAESI Act, as null and void.

For Petitioner :Mr.J.Mathesh

For R1 :Mr.R.Pandivel



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner has come forward with this Writ Petition challenging the e-auction sale notice, dated 31.03.2022 in respect of the secured asset under the SARFAESI Act, 2002.

2.Heard Mr.J.Mathesh, learned Counsel for the petitioner and Mr.R.Pandivel, learned Counsel, who takes notice on behalf of first respondent. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage.

3.It is admitted by the petitioner himself that sale had taken place long back pursuant to the sale notice and sale certificate itself was issued in favour of second respondent. Further, it is admitted that sale deed was registered on 31.05.2022 as Doc.No.5437 of 20202 in favour of the second respondent. However, the petitioner claims title to the property, as he is the only legal heir of his step father by name, Mr.Mohan. It is his further case that the property of his step father by name, Mr.Mohan, was given as a collateral security for the purpose of developing an education institution of one K.Subburaj.



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4.The petitioner has produced before this Court, a legal heir certificate issued by the Deputy Tahsildar, Sattur, showing that is he is the foster son of one Mohan son of Veerasamy. The foster son has no legal status to claim the property of the step father, on the strength that he is the foster son. The petitioner appears to have obtained a legal heir certificate from Deputy Tahsildar, whose competency to issue legal heir certificate is doubtful.

5.This Court does not find any merit in this Writ Petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
30.08.2022

Index : Yes / No

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